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EXAMINER				
DOTE, JANIS L				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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1. The proposed amendment filed on Jun. 27, 2008, after the mailing of the final rejection on Apr. 7, 2008, does not comply with 37 CFR 1.121 for the reasons discussed in paragraph 2 infra. Therefore, the amendment has not been entered.

2. NON-COMPLIANT AMENDMENT (37 CFR 1.121)

Items 4E: The "Amendment to the claims" section filed on Jun. 27, 2008, does not comply with 37 CFR 1.121, because the proposed amendment to claim 26 merely deletes text without using the proper markings to indicate deleted text. The amendment deletes the recitation "dissolving or dispersing a composition, which comprises at least a polyester prepolymer (A) capable of reacting with an active hydrogen, a second resin . . . and drying the toner particles" without using the proper markings to indicate its deletion. Applicants have improperly amended claim 26.

37 CFR 1.121 reads: "[W]hen claim text with markings is required. All claims being currently amended . . . shall . . . be submitted with markings to indicate changes that have been made relative to the immediate prior version of the claims. The text of any added subject must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets [i.e., [[ ]]] placed before and after the deleted characters may be used to show deletion of five or fewer consecutive letters" (emphasis added).

3. The examiner's refusal to enter the amendment filed on Jun. 27, 2008, after the mailing of the final rejection mailed on Apr. 7, 2008, renders applicants' arguments moot regarding said amendment. Accordingly, claims 1, 8, 10, 13, 14, 21-24, and 26-28 stand rejected for the reasons set forth in the final rejection.

The Rule 132 declaration and new translation filed on Jun. 27, 2008, have not been entered for the reasons set forth on form PTOL-303, item 8. Applicants' arguments regarding the showings in that Rule 132 declaration and new translation are therefore moot. Accordingly, the prior art rejections of claims 1, 8, 10, 21-24, and 26-28 over Yagi and of claims 1, 8, 10, 13, 14, 21-24, 27, and 28 over Emoto, set forth in the final rejection, paragraphs 10, 11, 14, and 15, respectively, stand for the reasons set forth in the final rejection, paragraphs 12 and 16, respectively.

Applicants' arguments with respect to the obviousness-type double patenting rejection of claims 1, 8, 10, 13, 14, 22-24, 26, and 28 over the claims of copending US Application No. 11/545,429, set forth in the final rejection, paragraph 17, are not persuasive. The rejection is no longer provisional because Application 11/545,429 issued as US Patent No. 7,396,630 on Jul. 8, 2008.